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IN
HISTORICAL AND POLITICAL SCIENCE

HERBERT B. ADAMS, Editor

History is past Politics and Politics present History.—*Freeman*

VII

OLD MARYLAND MANORS

With the Records of a Court Leet and a Court Baron

BY JOHN JOHNSON, A. B.

BALTIMORE
PUBLISHED BY THE JOHNS HOPKINS UNIVERSITY
MAY, 1883.

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H. B. ADAMS, Editor.

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VII

OLD MARYLAND MANORS

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"Keep leets and law-days and in sessions sit."—*Othello.*

"You would present her at the leet because she brought stone jugs and no sealed quarts."—*Taming of the Shrew.*

"I know my remedy; I must go fetch the third borough" [Tithingman].—*Taming of the Shrew.*

"A Tything-man in each Manor, a Constable in each Hundred."—*Bacon, Laws of Maryland,* 1638.

"Proces in Court Baron est Summons, Attachement & Distres, que est proces al commō Ley."—*Le Court Leete et Court Baron, John Kitchin. London,* 1623.

"And By-laws for the common weale may be made in a Leet."—*Antiquity, Authority, and Uses of Leets, Robert Powell. London,* 1641.

"We also, by these Presents do give and grant licence to the same Baron of Baltimore and to his heirs, to erect any parcels of land within the Province aforesaid into manors, and in every of those manors to have and hold a Court Baron . . . . and view of Frank-Pledge, for the conservation of the peace and better government of those parts."—*Charter of Maryland, Art.* 19.

"And We do . . . . authorize you that every two thousand acres . . . . so to be passed . . . . be erected and created into a mannor. . . . . And we do hereby further authorize you that you cause to be granted unto every of the said Adventurers within every of their said manors respectively, ... a Court Barron and Court Leet, to be from time to time held. . . . ."—*Instructions from Lord Baltimore to Governor Calvert,* 1636.

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OLD MARYLAND MANORS.

A striking contrast between the North and the South is presented by the small landholdings of the former and the great estates of the latter. Tracts of thousands of acres were not at all uncommon in colonial Maryland, and sometimes land-grants included even tens of thousands. These great estates had a strong shaping influence on the life of early Maryland. Separating their owners by wide intervals, they prevented that association of interests and feelings that was strong in the towns of the northern colonies. The man who lived in the center of a tract of ten thousand acres must necessarily have been thrown largely upon his own resources for amusement and for culture. The coöperation which makes schools and libraries of easy attainment in a thickly settled community was absent among such people. Consequently education could be obtained only at great cost and inconvenience. The planter who was determined to have his children well taught had to send them abroad, as was done in the case of Charles Carroll of Carrollton.

There were some towns founded in Maryland, it is true, in the earliest days. The vanished city of St. Mary's, the lost Joppa, and others that have disappeared as completely as the "cities of the plain," furnished a stimulus to civilization in some parts of the colony. But in spite of these instances, it is true that most of the life of Maryland in the latter half of the seventeenth and the whole of the eighteenth century, was country life. And it was a country life that presented many analogies to the country life of Englishmen during the same period.

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The first generation of Maryland planters led that sort of hand-to-mouth, happy-go-lucky existence that marked the beginning of all the colonies. Until means became adapted to ends, but little comfort and still less culture, were to be found. Many of the earliest settlers of high consideration made their cross-mark on titles, deeds and conveyances. Their ignorance, however, was the knowledge of the class from which the best born of them sprang—the English country gentry of the seventeenth century.

The share of Maryland planters in the conveniences of life does not appear to have been large at first, though even then they made an attempt at good living. In the inventory accompanying the will of Governor Leonard Calvert, the item of a silver sack-cup follows that of two pairs of socks. Sack probably occupied far more personal attention than did wearing apparel. Indeed, one of our historians ventures the statement that this potent liquor is oftener mentioned in the records of Maryland than in the pages of Shakespeare. Beds in the early days were lamentably lacking. Travellers either deprived the host of his, or slept upon deer skins or fodder piled upon the floor. All the appointments of a household were necessarily meagre.

But after this early period had passed and Marylanders had learned for good and all of what their soil and their climate were capable, a settled order of things began, which continued into the present century. The life of the Maryland planter of this second period was such as left few traces in the written accounts that have come down to us. In the few letters and journals of the colonial epoch—few, because so rarely the colonists had the knowledge, and more rarely still the taste to write either letters or journals—in these few are to be found historical suggestions. Of the famous estates of the colonial era, a small number are still in the hands of the descendants of colonial families. An idea of the former condition of things can be obtained by visiting these localities. There are still found the ancient houses, the chapels, the out-buildings, that have

remained from colonial times. There, more clearly than elsewhere, we may see the vestiges of the old aristocratic spirit which has almost disappeared under the democratic attrition of more than a century. These traces will not last much longer, and if any record of this old system is to be kept, it should be made at once.

The Calverts desired to found in Maryland a new landed aristocracy. Though the "Bill for Baronies" never passed the Assembly, the Proprietor was able to establish manors, and to give to the manorial lords rights of jurisdiction over their tenants. The lord of the manor thus became a person of prime importance. While his wealth as a large landholder gave him one element of consideration, his judicial dignity gave him another.

The reason the settlers consented to the introduction of this system is not hard to find. Our Maryland ancestors, following the example of certain great proprietors, proposed to live in scattered, rural ways, on large estates. The manorial system, which had been used for a like purpose in the old country, lay ready to their hands and they adopted it. Similarly, the men of New England, proposing to live in close communities, adopted the township system. Once taken up, the manorial system became general, so that English manors, English halls, English lords of the manor were scattered all over our State.

In accordance with his charter right,* the Proprietary, in 1636, issued instructions that every two thousand acres given to any adventurer should be erected into a manor, with "a Court Barron and a Court Leet, to be from time to time held within every such mannor respectively." † These instructions were repeated many times, and the records are filled with such grants. Capt. George Evelin, Lord of the Manor of Evelinton, in St. Mary's county; Marmaduke Tilden, Lord

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* See Charter of Maryland, Art. 19.

† Kilty, p. 31. *Conditions of Plantation*, 1636.

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of Great Oak Manor, and Major James Ringgold, Lord of the Manor on Eastern Neck, both in Kent; Giles Brent, Lord of Kent Fort, on Kent Island; George Talbot, of Susquehanna Manor, in Cecil county; these are a few names picked at random. In the Library of the Maryland Historical Society is to be found a conveyance dated 1734 for a parcel of land to be held "as of the Manor of Nanticoke." In the same collection are preserved the rent-roll of Queen Anne's Manor, and a statement of the sale, in 1767, of twenty-seven manors, embracing one hundred thousand acres. In 1776, there were still unsold seventy thousand acres of proprietary manors lying in nine counties.* In the Maryland Reports† is to be found a notable law suit over Anne Arundel Manor. The Proprietor, Lord Frederick Calvert, sought by means of a common recovery to break the entail upon the manor, and thus prevent its passing into the hands of a natural son of the former Proprietor.

At the present day we find many estates called manors. Those that have attracted most notice are My Lady's Manor and Bohemia Manor. At the beautiful and historic seat of the Hon. John Lee Carroll, Doughoregan Manor, the name, the mansion, the chapel, the grounds, all still show surviving evidences of the original state of affairs. But it is with the social side of this system that we are here concerned. Its civic aspect will be treated in a subsequent part of this paper. It is, however, rather the patriarchal than the feudal type of society that is presented at the period we have materials for describing. It is not easy to picture the combined elegance and simplicity of those old homesteads—the appearance they presented of aristocratic state mingled with republican good-fellowship. The entrance to the place was, perhaps, through a wood of old oaks and chestnuts, that had passed their sapling growth a century before George Calvert, first Baron of Balti-

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* Scharf II., p. 104.

† 2 Harris & McHenry, p. 279.

more, appeared as a stripling in the English Court. Emerging from the wood, the road was lined with a double colonnade of locusts or beeches with footpaths between. Nearing the mansion, pines and firs replaced the deciduous trees, and the evergreen branches formed a symbol of the ever fresh hospitality awaiting the approaching guest.

Before the door stood the old elms, planted by the founder of the family, and the lawn was terraced in the English style. The turf—a peculiar pride of the master of the house—was so thick and close that it would be hard to find a finger's breadth of earth without its blade of grass. Conifers stood at intervals over the half dozen acres forming the lawn, and at either end of a terrace a catalpa with a trunk of Californian proportions shaded a rustic seat.

The house itself was in most cases a long, low structure of brick. The finest residences were remarkable for their large size and striking appearance. * The rooms of the old houses were grouped about a large hall-way in which some of the family usually sat. The walls everywhere were wainscotted to the ceiling. Sometimes the woodwork was finely carved and of rare material. Upon the walls hung the portraits of the ancestors of the family, often as far back as six or seven generations. A side-board in the dining-room displayed a portion of the plate, bearing the family crest. Flanking the plate stood a great array of glasses and decanters. For in the early days the proper discharge of the sacred duty of hospitality involved various strong potations. Even now the visitor to the Maryland country house is almost always invited to take something to drink on entering or leaving the dwelling.

Various offices stood around the mansion. Notable among them was the stone smoke-house. The quarters of mast-fed hogs hung from the roof, and the fires in the pit below were tended by superannuated negroes, their faces greasy with lard and begrimed with soot beyond their natural blackness.

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* Eddis's Letters.

In some places the family chapel stood close by the house. On one side of the main aisle sat the slaves, on the other the free white tenants; and no considerations of comfort could induce the freemen to cross the interval that served as a boundary between them and the despised race. Beneath the brick floor of the chapel and marked by a marble slab, were the graves of dead members of the family of the lord of the manor. Any one attaining special distinction was buried by the side of the chancel and, within the chancel rails, let into the wall was a tablet to his memory. If the family belonged to the ancient church, frescoes and oil paintings, occasionally copies of considerable beauty, adorned the place.

The mode of burial curiously illustrated the prevalent feeling of class distinction, and at the same time preserved an ancient custom of the mother country. While the lord's family lay buried beneath the floor in the chapel, the tenants' graves were at a distance hidden among the trees. At some of these graves stood a neat slab of stone with a pious inscription. Still farther removed, with only a board as a memorial of each, were the graves of the slaves. Not even death could unite what God had put asunder.

At a considerable distance from the great house was the dwelling of the overseer. Around him in numbers sufficient to people a small town, lived the negroes whose labor produced the wheat and tobacco upon which the fabric of society rested. Out of the number of these dependents a few of the likeliest went to the mansion as domestic servants.

Scattered at intervals over the estate, wherever their farms lay, were the houses of the free white tenants. The tenant farms were frequently several hundred acres in extent, and were held on leases of twenty-one years. The rent was low and was usually paid in kind, not in money. The system had some of the evils incident to English land tenure of the present day, and has now given way to short leases, or has disappeared entirely by the breaking up of the estates on which it was practised.

In various ways on these estates the traditional sports of the mother country were kept up. One of the patriarchs of colonial Maryland, when importuned by his relatives to break the entail upon his estate, replied: "If one of you inherit the whole, I shall be responsible for the production of one fox-hunter. If I divide it, I shall make as many fox-hunters as I make heirs." Fox-hunting was a pursuit in which Marylanders delighted. In no characteristic is the Englishry of the settlers (to use Mr. Freeman's term) more clearly shown than in this. On horses that seemed almost tireless, and with dogs like the horses, they sometimes chased Reynard across the eastern peninsula, from the Chesapeake to the Atlantic. The return journey and the stops at hospitable mansions on the way took more time than the pursuit of the fox, and the whole expedition sometimes lasted a week.

Aside from the social aspect of these old estates, they are also worthy of notice from a civic point of view. The history of Maryland owes its interest not so much to striking events as to the continuity of old English institutions and ancient habits of local self-government. When the early colonists came to Maryland they invented no administrative or judicial methods. The old institutions of England were transplanted to Maryland and acclimatized. In the new soil they were modified and destroyed, or they were modified and perpetuated. But in either case there is perfect continuity between the institutions of colonial Maryland and those of the older country. For our new institutions, like new species, were not created; they grew from the old. Lord Baltimore modeled his colony after the Palatinate of Durham, and the details of local administration were what they had been at home. Old methods were adapted to new conditions.

The manor was the land on which the lord and his tenants lived, and bound up with the land were also the rights of government which the lord possessed over the tenants, and they over one another. For the ownership of the manorial estate carried with it the right to hold two courts, in which dis-

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putes could be decided and tenant titles established and recorded; and in which, also, residents on the estate exercised a limited legislative power. These manorial jurisdictions have descended from a time previous to the accession of Edward the Confessor, and their reproduction and continuance in Maryland form a striking instance of the permanence of ancient English customs.

A tradition has come down in Maryland that these courts were held occasionally by members of the Proprietary family owning manors.* In a court baron, held on St. Gabriel's Manor, in 1649, the steward gave a tenant seizin by the rod, each party, according to ancient custom, retaining as evidence of the transfer a part of a twig broken in the ceremony. † In the library of the Maryland Historical Society are preserved the records of a court baron and a court leet of St. Clement's Manor, in St. Mary's county, held at intervals between 1659 and 1672.‡ We can hardly believe that these records are the only ones of their kind that were kept in the Province. For a single one that has been preserved there must have been many lost. When we consider that so many documents belonging to the government of the colony, and for whose preservation great precautions were once taken, have nevertheless been destroyed, it will appear but natural that papers left entirely in private hands, and of but little value or interest to their possessors should have entirely disappeared. Moreover, as will presently be shown in detail, the profits of the manorial courts were not inconsiderable. Consequently, they would not soon be relinquished. Nor is it likely, where every owner of two thousand acres could obtain these rights of jurisdiction, that only two persons in the whole Province

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* Kilty, p. 93.

† Bozman, vol. 2, note, p. 372. The same old English custom obtained in early New England.

‡ See Appendix for a copy of these records, furnished by the kindness of the Librarian of the Maryland Historical Society, J. W. M. Lee.

would exercise them. It seems probable that in the early period of the existence of the colony manorial courts were not uncommon.

The popular court of the manor was the court leet or court of the people. When the grant of the leet included the view of frankpledge, as in the Maryland manors, that ceremony took place at the leet, though in the records no mention of the view is made. At the opening of the leet, the steward, who was the judge, having taken his place, the bailiff made proclamation with three "Oyez," and commanded all to draw near and answer to their names upon "pain and perill." Then followed the empanelling of a jury from the assembled residents on the manor, all of whom between the ages of twelve years and sixty were required to be present. The duties of a leet jury seem to have been those of both grand and petty juries. All felonies and lesser offenses were enquirable. The statute, 18 Edw. II., names the following persons as proper to be investigated at a leet:

"Such as have double measure and buy by the great and sell by the less. . . . Such as haunt taverns and no man knoweth whereon they do live. . . . Such as sleep by day and watch by night, and fare well and have nothing,—" a set that need watching. The leet had also a general supervision of trade, fixed the price of bread and ale, * and set its hands on butchers that sold "corrupt victual." The game laws also were enforced by the leet. At the leet held at St. Clement's, in St. Mary's county, Robert Cooper was fined for fowling without license on St. Clement's Island. The notion that hunting was for the rich alone showed itself in another way. Of the chase or park of the English manors, some traces may be found in Maryland. A writer in "A Description of the Province of New Albion," which adjoined Maryland on the east, speaks of "storing his Parks with Elks and fallow Deer," probably following a Maryland example. On the Bohemia

*See Appendix for instances.

Manor, the remains of the walls of a deer park were pointed out as late as 1859.* That any necessity existed for a park is not to be believed. Venison was so common a food that Hammond, in *Leah and Rachel*, says "that venison is accounted a tiresome meat." An aping of aristocratic manners may, perhaps, have induced some of the settlers to enclose a wood for a park, but nothing else could have done so.

Another important function of the court leet, was the levying of a deodand or fine upon the cause of any accident to life or limb. A reckless driver running over a child or a careless woodman felling a tree and killing a passer-by, was mulcted by the jury of the leet. Before the period of Maryland manors, the cart or the tree causing the injury became the property of the lord, the idea being that he would expend its value in masses for the soul of the deceased. In this is probably to be found the origin of the name given to the payment, deodand. † In actual fact, however, the soul of the departed was not of sufficient importance in the eyes of most lords to compel the loss of a piece of property so easily acquired as the forfeited article.

The leet could enact by-laws regulating the intercourse of residents with each other, and the regulations had all the force of a town ordinance. In the leet also constables, ale-tasters, affeerors and bailiffs were elected; and interference with the exercise of their duties, as breaking into the pound, taking away impounded cattle, or resisting distraint for rent was punishable by the leet.‡ The fines imposed went to the lord

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* Scharf, vol. 1, p. 430.

† See interesting remarks on this topic in lectures on the Common Law by Oliver Wendell Holmes, Jr.

‡ Manorial courts are still held in some parts of Great Britain. In *Notes and Queries*, October 21, 1882, it is stated that on October 3, 1882, a court leet for the manors of Williton Regis, Williton Hadley and West Fulford was held. Appointments of inspectors of weights and measures, of bailiff, and of hayward were made. The leet for the town of Watchit was held also, and appointed a port-reeve, ale-tasters, a crier, a stock driver and an inspector. Leets were also held the same month on the estates of the Duke of Buccleugh. (N. & Q., November 4, 1882.)

and were often profitable. Besides fines, other punishments were used. In 1670 the jury of St. Clement's leet ordered the erection of "a pair of Stocks, pillory and Ducking Stoole." *

The presence of irresponsible strangers seems to have been peculiarly distasteful to our ancestors. By a law of Edward the Confessor, a man was forbidden to entertain a stranger above two nights unless he would hold his guest to right. So the constable on the manor anciently took security of all heads of families for the keeping of the peace by strangers in their houses. Curiously enough, the leet at St. Clement's presented John Mansell for "entertayning Benjamin Hamon & Cybil, his wife, Inmates," and ordered him "to remove his inmates or give security;" a proceeding that would have been in perfect keeping a thousand years ago.

The Maryland county justices were required to appoint constables in every hundred, who swore on taking office to "levy hue and cry and cause" refractory criminals to be taken.† The hue and cry carries us back to remote Anglo-Saxon times, when all the population went to hunt the thief. The duties of the manorial constable were doubtless the same in the manor as those of the constables of the hundred in their districts.

The affeerors, mentioned above, were sworn officers chosen from the residents. Their duty was to revise the fines imposed by the leet jury, and to temper justice with mercy. They are mentioned several times in the records of St. Clement's, in one case reducing to two hundred pounds an amercement of two thousand pounds of tobacco imposed on a certain Gardiner, who had taken wild hogs belonging to the lord.‡

The Maryland Indians were very early reduced to a dependent condition, and it became the duty of the leet to include

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* See Appendix.

† Parks, Laws of Maryland 1708, p. 99.

‡ See Appendix.

them in its police jurisdiction.* There is an account in the St. Clement records of the fining of two Indian boys for some thievish pranks. Moreover, "the King of Chaptico" himself is presented for stealing a sow and her pigs and having "raised a stock of them." This was apparently too weighty a matter for the simple jury of the tenants, so it was referred to "ye hon^ble, ye Gov^r." The matter of losing hogs seems to have been a great grievance for the tenants, and the jury accordingly reported that they "conceive that Indians ought not to keepe hoggs, for under pretence of them they may destroy all ye hoggs belonging to the man^r, and therefore they ought to be warned now to destroy them, else to be fyned att the next court." The conquered Britons were treated in a spirit almost as liberal.

The elasticity of an old institution like the leet in being thus adapted to the government of savages is worthy of note. It is a striking illustration, also, of the principle that impels men to adapt old forms to new conditions, and it deserves to be placed by the side of the institution of tithing men among the Indians of Plymouth.† Doubtless other methods of police and government for the Indians were adopted in various places by the colonists, and curious survivals of old forms like the above might be noted by the investigator.

In the court baron of the freeholders the freehold tenants acted as both jury and judges. A freeholder could be tried only before his peers. So that if the freeholders fell below two in number the court could no longer be held. Before this court were brought points in dispute between the lord and his tenants as to rents, forfeitures, escheats, trespass and the like. Besides these matters, actions of debt between tenants and transfers of land took place in the court baron. Here, also, the tenant did fealty for his land, swearing,‡

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*See Appendix.

†"Studies," IV. Saxon Tithingmen in America, p. 10.

‡Gurdon, p. 615. See Appendix for instances of swearing fealty.

"Hear you, my lord, that I, A. B., shall be to you both true and faithful, and shall owe my Fidelity to you for the Land I hold of you, and lawfully shall do and perform such Customs and Services as my Duty is to you, at the terms assigned, so help me God and all his saints." *

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* The origin of manorial courts is very obscure and goes back to an early period. Among the Anglo-Saxons, as early, perhaps, as the eighth century, conquest, purchase, grant and commendation had given rise to great estates. By this means all the arable land in some neighborhoods became the property of a wealthy lord. Consequently, the hitherto independent village community of owners of arable land became a dependent community of tenants. At the same time hunting, fishing, pasture, wood cutting, all the rights to the use of common wild land, rights that had formerly run with the ownership of a share of arable land, became rights of the lord, to be exercised and enjoyed by the tenant only by the sufferance of the lord. Thus, it appears, originated the title of the lord to the waste and to the game inhabiting it.

Contemporaneously with these agrarian changes went on as great a judicial change. Among the Anglo-Saxons jurisdiction belonged to the state, not to the king. But jurisdiction and the profits of jurisdiction were separate. While justice was a public trust, the profits of justice were merely a source of royal revenue. So it came about, as early as the ninth century, that the fines of the hundred courts, fines for which every offence might be commuted, were often granted by the king to any neighboring magnate. This grant of profits was very different from a grant of jurisdiction. The date at which private jurisdiction originated is unknown. The earliest grants of it date from the reign of Edward the Confessor, but private courts existed before his time. Though he and his Norman advisers were the first to regard jurisdiction as royal property, to be granted away, a revolution had already taken place in the customs of the people, who had abandoned the ancient judicial system, for the loose administration of the popular courts no longer satisfied the needs of an advancing civilization.

So clumsy and slow was the machinery of the hundred court that suits were almost always compromised. A favorite method of settlement was arbitration. The most natural arbitrator between tenants was the lord, and only a contract between the parties was needed to give him the powers of the hundred court. While the lord's decision was binding in law only as the result of a contract, yet his private authority among his tenants was great enough to enforce the settlement. Here, then, seems to be an origin, and a Saxon origin, for the jurisdiction of a manorial lord.

Some of the feudal incidents of the manorial tenure may be found mentioned in the records of the Maryland Land Office. Here is an example quoted in the *Land-holder's Assistant:* * "Whereas certain lands and tenements holding of the manors hereunder named have ceased for these three years last past to pay the rent due. . . . These are therefore to summon the said several tenants to pay the said rent and arrears and charges of this process unto the lord of the manor . . . . or else to be at the court . . . . to show cause why the said land should not

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So much for the origin of private jurisdiction in general. An explanation of the specific origin of the three courts, the leet, the common law court baron and the customary court baron, brings us to a controversy. Professor Stubbs, on the authority of Ordericus, derives the courts of the manor from the tun-gemot. (Hist. I., p. 399.) Henry Adams denies the existence of the tun-gemot (Essays in A. S. Law, p. 22), and derives both the court baron and the court leet from the hundred court. As to the customary court he is silent. Professor W. F. Allen has still a third view, the court baron, according to him, being of feudal origin, and not being found earlier than the end of the eleventh century. He makes the non-existent tun-gemot of Professor Adams the germ of the customary court. All these views are so ably supported that it would be highly desirable to reconcile them, though it is probably impossible.

Adams appears to have proved that all manorial jurisdiction was originally obtained by the lords' assuming the powers of the hundred court. This may have been done by prescription, the tenants agreeing, or perhaps by actual royal grant of jurisdiction following on grants of profits.

But Allen's conclusions have a direct bearing here. He maintains, with great force, that the freeholders, the suitors and judges of the court baron, took their rise in the feudal period. No freeholders, in our sense, are to be found, he says, earlier than the end of the twelfth century. He thinks that in the interval between Domesday and this period, certain of the members of the class of villeins were advanced to the dignity of freeholders, while all the other original holders lost their earlier rights and fell into copyhold tenure. The court baron was established on a French model for the use of these promoted tenants. The Saxon manorial court, which Allen derives from the court of the township, and Adams from the hundred court, became the customary court of the copyholders. As they had fallen in status, so did it, and all important business of the estate was transacted in the court baron or the court leet. (See Allen's *Origin of Freeholders* in Proceedings of the Wisconsin Academy.)

* Kilty, p. 103.

escheat to the Lord of the Manor. . . . In the Manor of St. Michaels: One tenement of 100 acres . . . . yearly rent 2 barrels of corn and 2 capons—arrear, 3 years. . . ." In the manors of St. Gabriel and Trinity like claims were made. These are apparently the only instances on record of claims to escheats by manor lords. "At a court held at St. Mairies, 7th December, 1648, came Mrs. Margaret Brent and required the opinion of the court concerning . . . the tenements appertaining to the rebels within his Manors, whether or no their forfeitures belonged to the Lord of the Manors. The resolution of the court was that the said forfeitures did of right belong to the Lord of the Manors by virtue of his Lordship's Conditions of Plantation. . . ." * While this interests us as the record of a feudal forfeiture in Maryland, it has an added attraction, due to the fact that this is probably the first mention of a female attorney. Another fact showing how the manorial tenure entered into the life of the people, is a decision of the Maryland Court of Appeals, made as late as 1835. In this case † it was held that a tenant on a manor was entitled on giving up his lease to the benefit of those manorial customs that were commonly recognized as good by the tenants, and that had been observed by the tenants during an indefinite time.

The manorial grants were originally used to promote emigration to the colony. To this purpose was soon added another, namely, that of military defence. It seems to have been the desire of the Proprietor to introduce a body of cultivators that could at any time be turned into militia. Accordingly, in 1641, he issued the following "Conditions of Plantion:" "Whatsoever person . . . . shall be at the charge to transport into the Province . . . . any number of able men . . . . provided and furnished with arms and ammunition according to a particular hereunder exprest . . . , shall be

* Quoted by Kilty, p. 104.

† Dorsey *vs.* Eagle, 7 Gill and Johnson, 321.

granted unto every such adventurer for every twenty persons he shall so transport . . . . two thousand acres . . . . which said land shall be erected into a Mannor . . . . with all such Royalties and Privileges as are usually belonging to Mannors in England. . . .

"A particular of such arms and ammunition . . . . for every man . . . . which shall be transported thither.

"*Imprimis*—One Musket or Bastard-Musket with a snaphance Lock.

"*Item*—Ten pound of Powder.

"*Item*—Fourty pound of lead—Bulletts, Pistoll and Goose Shot, each sort some.

"*Item*—One Sword and Belt.

"*Item*—One Bandelier and Flask."

Such legislation bears an analogy to the Assize of Arms, under Henry I., and to parts of the Statute of Winchester, under Edward I. The idea of military defence by the mass of the people is common to these instances of English legislation of the middle ages, and to this regulation of the Maryand Proprietary of the seventeenth century.

In addition to these grants to private persons, manors were given to the Church. Newtown Manor, formerly an estate of the Proprietary, is to this day in the hands of the Jesuits. In Charles and St. Mary's counties, large estates, still bearing the title of manors, are at present owned by that society. All efforts have been unavailing to obtain access to any documents relating to these lands. If search were permitted in the archives of the order, much interesting material might be discovered.

It should not be thought that the aristocratic character of the manor was injurious to the growth of liberal ideas. The manor was a self-governing community. The manor officers were elected by the tenants, and juries were drawn from among the same body. By-laws for their own government were adopted by most voices. So there was ample scope for individuality to show itself. The extinction of the manorial

system was probably not due to any democratic feeling of opposition to it as a relic of feudalism, but to another cause. The early introduction of slavery must soon have made it more profitable for the lord to cultivate all his estate than to rent it to tenants, unless the estate were of immense size. The very large estates, however, were quickly sub-divided when population increased. Consequently, the relations which made a manor possible soon ceased to exist. At the same time the necessity for a system of private jurisdiction passed away. The manorial courts were adapted to a state of society in which law-abiding men lived far apart, and surrounded by unquiet neighbors; a society in which bloodshed was frequent and property insecure. In such circumstances it was needful to have in each community a person uniting in himself the influence of wealth and the majesty of law. When higher civilization made violence rare, and when better means of communication made it easy to reach the public courts, private authority was no longer needed. The feudal society of the manor reverted to the patriarchal society of the plantation. Serfs or slaves now replaced the free tenants of former times. The rights of these *villeins en gros* were entirely at the will of the owner of the estate. Controversies between them never reached the dignity of legal adjudication. Between them and their owners controversy was in the nature of things impossible. Here there was no scope for manorial courts. Controversies between master and master went, as before, to a public tribunal. The court baron and the court leet, having served their turn, were cast aside. If they played no great part in the history of the State, they are interesting as an extinct species, an institutional fossil, connecting the life of the present with the life of the past.

EDITORIAL NOTES.

The historical significance of the St. Clement records is that they prove incontestably the existence of a Court Leet in Maryland. These Records are the first of their kind that have been utilized by students of Maryland History. McMahon does not appear to have noticed any such Records. Bozman, in his History of Maryland, vol. ii, 39, says, "although the power and right of holding courts-baron and courts-leet might have been inserted in some or all of those grants of manors, yet we are told from *good authority*, that no memorial appears on the records of the province, of any practical use of either of those kinds of courts." Scharf, i, 123, quotes this passage as final.* The "good authority" upon whom Bozman relied was Kilty, who, in his Land-Holder's Assistant, 93, says, "no memorial appears on record" of the practical use of the privileges of Court Baron and Court Leet in those "inferior Manors" erected by the Conditions of Plantation, issued in 1636. But Kilty, as quoted by Bozman in the above passage, was not speaking of all manors, but only of those which assumed the name. Upon the very same page, 93, Kilty states that in some manors, namely, in those erected by special order of the Proprietary, "and more especially in those held by the Proprietary in his own name, it is understood that the privileges attached to them were actually exercised." But even Kilty mentions no concrete examples or existing records, of a Court Baron and a Court Leet.

Bozman, however, after having unfortunately quoted Kilty in such a partial way as to lead to the now current notion that there never was any case of Court Leet in Maryland, appears to have come upon certain indications of the existence of such an institution. He says in a foot note to page 39, "But I find in the Council Proceedings from 1636 to 1657, p. 23, a commission there recorded, for holding a court-leet in the isle of Kent directed 'to Robert Philpot, William Cox, Thomas Allen, of the isle of Kent, gentlemen, to be justices of the peace within the said island, to hold a court-leet in all civil actions not exceeding 1200 lbs. tobacco; and to hear and determine all offences criminal, within the said island, which may be determined by any justice of the peace in England, not extending to the loss of life or member. Given at St. Mary's, February 9th, 1637. Witness, Leonard Calvert.' As proceedings," continues Bozman, "most probably took place under this commission, there must, of consequence, have been some written memorials of those proceedings

* The existence of manorial courts in Maryland is, however, recognized by Scharf in a later volume, ii, 50.

once existing, though probably now lost. As the business of Courts-leet in England has long ago been gradually absorbed by the courts of quarter sessions for the shire or county, so with us, it is probable, that if any courts-leet or courts-baron were ever held in the province, the county-courts, at a very early period, swallowed up their jurisdictions. To trace these transfers of judicial power, would at this day be unnecessary, if it were a possible task, except it be to throw some light on the history of those times."

If a Court Leet was actually instituted upon Kent Island, then it was probably one of the oldest authorized local courts in Maryland, for the first county court in this province was not opened until about the middle of February, 1638, judicial power having been hitherto retained by the governor and his council and the General Assembly of Freemen, or the Colonial Parliament. Authority, however, to hold a local court in Kent Island had been granted to Captain George Evelyn on the 30th of December, 1637. He was authorized "to elect and choose six of the inhabitants of Kent for his council,"—a local court of *seven men.* Bozman states in his Notes and Illustrations, 580, that the Court Leet, that was authorized the following year but soon superceded by the "Commander" [High Constable, cf. Bozman, ii, 138] of Kent, was more like a county court than a manorial court. "The court held under the commission before stated [Bozman, ii, 39] 'to certain justices of the peace on the isle of Kent to hold a court leet' there, seems to have partaken more of the nature of what was subsequently called a county court, than a court pertaining to a manor; and 'the manor of Kent fort,' the only manor ever erected on the isle of Kent, was not then granted." The conclusion, then, is by Bozman, as regards the Kent Island case, that it was no Court Leet at all, in the technical sense of the term.

But Bozman thereupon, in his Notes and Illustrations, ii. 581, begins to approach the real truth touching the actual existence of manorial courts, a truth which Mr. John Johnson has only elucidated in its fulness in the foregoing monograph. "However, it does appear," says Mr. Bozman, "that at subsequent periods of time, one or two rare instances occurred of the holding both courts baron and courts leet in two distinct manors. 'A court baron was held at the manor of St. Gabriel, on the 7th of March, 1656, by the steward of the lady of the manor, when one Martin Kirke took of the lady of the manor in full court, by delivery of the said steward, by the rod, according to the custom of the said manor, one messuage, having done fealty to the lady, was thereby admitted tenant' (MS. Extracts from the records). "This," continues Bozman, "seems to have been conformable to the ancient practice of courts baron in England, on the admission of any tenant of a manor. The steward thereof, taking hold of one end of a rod and the tenant of the other, the former repeats to him: 'The lord of of this manor by me his steward doth deliver you seisin by the rod, and admit you tenant to the premises,' &c. (See the Practice of Courts Leet

and Courts Baron, by Chief Justice Scroggs)." Here, then, is instanced by Bozman himself a concrete case of a manorial court, the records of which Mr. Bozman appears to have seen.

But now follows mention of a Court Leet upon the identical manor, the records of which Mr. Bozman had not seen but which are now first published. Bozman came upon the traces of manorial courts at St. Clement's, not from local records, but from public records. He says, ii, 581: "Also, in October, 1661, Thomas Gerrard petitioned to the provincial court, stating, that at a court leet and court baron, held for the manor of St. Clement's, on the 27th of October, 1659, Robert Cole was fined, for marking one of the Lord of the manor's hogs, and prayed to have satisfaction for the unlawful marking and killing such hog, as the laws of the province provided.'* The grant of this manor, which lay in St. Mary's county, was made to Thomas Gerrard in the year 1639, and appears to be one of the oldest grants of a manor now extant on the records of the province. It contained a clause of power to Thomas Gerrard to hold a court baron and court leet. The last mentioned case, which occurred in this manor, seems to have been one of those petty misdemeanors, which would have been properly cognizable by a court leet in England; but, as the lord of a manor could not judge in his own case, for a trespass to himself, (See 2 Bacon's Abridgement, 505,) this principle probably occasions his application, as above, to the provincial court."

The local Records of the Manor of St. Clement's, herewith published, indicate that a Court Leet was there held for at least a considerable period, namely from 1659 to 1672. The Records are defective and may originally have covered a much longer time. The manuscript is well preserved, what there is of it, and is written in the quaint old English hand, characteristic of English clerks of the seventeenth century wherever found, whether among the Pilgrim Fathers or among the Pilgrims of St. Mary's. The manuscript was presented to the Maryland Historical Society many years ago by a Catholic gentleman, Colonel B. U. Campbell, who died April 28, 1855, aged sixty, and who was buried with great honors, after a celebration of High Mass in the Cathedral, in the presence of the Archbishop and "all the Roman Catholic clergy" (See contemporary newspaper accounts, *e. g. The American*, May 1, 1855). Colonel Campbell was a partner in the Baltimore branch of the well known English bankers, Brown and Company of London, and he is spoken of in the resolutions of the Maryland Historical Society, May 3, 1855, as "one of its earliest and most valuable members." The manuscript Records of the Catholic Manor of St. Clement's, presented to the Society by Colonel Campbell, together with other documents relating to the History of Maryland, is preserved in Portfolio No. 6, Document I, and is described in the Catalogue of the Manuscripts of the Society, printed in 1854, under the supervision of

*The above is not the exact text of Gerrard's petition, but conveys its substance. H. B. A.

Lewis Mayer, Esq., assistant librarian, as "Manuscript Records of Courts Baron and Courts Leet, held in St. Clement's Manor, at several times, from 1659 to 1672, folio." Mr. Gatchell, the present assistant librarian of the Society, has put the Editor in possession of these facts touching the original records of St. Clement's and concerning Mr. B. U. Campbell, who presented them to the Society.

The existence of these Records was, in fact, well known to gentlemen who are familiar with the library resources of the Maryland Historical Society, but Mr. Johnson is the first to make known the historical significance of Court Leet in Maryland. Not until his inquiries touching the origin and character of Old Maryland Manors were well advanced did he obtain knowledge of the existence of these Records. His inquiries of Mr. George Johnston, author of the History of Cecil County, as to the possible survival of the old English Court Leet upon Maryland Manors led that gentleman to a conference with Mr. J. W. M. Lee, librarian of the Maryland Historical Society and to the examination of the long catalogued but never utilized Records of the Manor of St. Clement's. Mr. Lee kindly undertook the task of making an exact transcript of the Records and thanks are due to him for supervising their accurate reproduction by the printer.

The survival upon one of the Maryland Manors, of a Court Leet (German *Leute*, people), or that old English popular court of manorial tenants, is interesting and important as showing the continuity in *Terra Mariae* of that ancient Germanic institution of village *folcmote*, which has evolved into modern Parish and Vestry-Meetings, and also into Town-Meetings and City Councils.

The Editor of this series takes great pleasure in publishing the following note touching Cooke's Hope Manor in Talbot County, communicated by the eminent antiquary and local historian, Dr. Samuel A. Harrison, of Easton, Maryland. "A Manor of one thousand acres granted to Miles Cooke by patent dated Jan 17th 1659, under the great seal of Cæcilius, Lord Baltimore, lying nŏrth of Great Choptank river, on the north side of the east branch of a creek of the said river called Tredavon. This manor is mentioned in a deed from Mr. Saml. Cooke, through his attorneys, to Mr. John Edmondson, dated Apr. 17th 1683. The following is an extract from this deed of the attorneys of S. C. to J. E. recorded in Liber No. 4, p. 195, of the Land Records of Talbot County, Maryland.

". . . Containing and Laid out for One thousand Acres (more or less) together with all Royalties & Priviledges (Royal mines excepted) most usually belonging to Mannors in England, to have and to hold ye same unto him ye s^{d} Miles Cooke his heirs and assigns for ever to be holden as of ye Honour [?] of St. Marey's in free and Comon Soccage by fealty only for all services under ye yearly rent of Twentie [? Seventie] Shillings Sterling in silver or Gold or ye full value thereof in such comodaties as ye s^{d} Lord Proprietary or his heirs should accept thereof, and ye s^{d} Lord Proprietary did by his Letters Pattent Erect ye s^{d} Thousand Acres into a

Mannor by ye name of ye Mannor of Cookes Hope Together with Court Baron and all things thereunto Belonging by ye Law or Custome of England, as by ye s[d] Letters Pattents Relation thereunto had doth and may more at large appeare."

The following note upon manorial Tithingman in Maryland is thought by the Editor to be of sufficient interest to justify its reprint from Bozman, ii, 138, who quotes it from the manuscript Bill of 1638, folio 21. The motto relating to Tithingmen, printed upon the reverse of the bastard-title of this paper, was taken from Bacon's printed Laws of Maryland, which only gives the heading of the Bill. The following is an extract from the text: "The lord of every manor within this province, (after any manor shall be erected), shall yearly at the first court baron held after Michaelmas in any year nominate and appoint some inhabitant of the manor, (not being in the council), to be tithing-man of that manor, to have the same power as a tithing-man in England." Bozman adds, "The duties of a tithing-man in England were, at this time, nearly the same as those of a *petty* constable. They were usually chosen by the jury at the court-leet,—a criminal court appertaining to a manor."

NOTE ON THOMAS GERRARD,

LORD OF ST. CLEMENT'S MANOR.

Thomas Gerrard, Surgeon, was a brother-in-law of Marmaduke Snow, and came into the province about the year 1638. On the 29th of October, 1639, "Thomas Gerrard Gent. demandeth Land of the Lord Proprietary due him by conditions of Plantation for transporting himself with five able men servants in the years of our Lord 1638 and 1639." The five able men servants were John Longworth, Peter Hayward, Samuel Barrett, Thomas Knight and Robert Brassington. The following day (Oct. 30th) an order was issued to the Surveyor to lay out for Mr. Thomas Gerrard, 1000 acres of land including St. Clement's Island. The land was surveyed Nov. 2, and the Surveyor's report is as follows: "Set forth for Thomas Gerrard Gent. a neck of land lyeing over against St. Clements Island, bounding on the South with Potowmack River, on the north east with a Creek running westward out of St. Clements Bay, Called St. Patrick's Creek, on the east with the said Clement's bay, on the northwest with a Creek running out Mattapanient bay called St. Catherines Creek on the west and south west with part of the said Bay and Potowmack River, the said neck containing in the whole nine hundred and fiftie acres or thereabouts. Likewise set forth for the said Thomas Gerrard, the Island over against the said neck called St. Clements Island, and Containing four score acres or thereabouts. (Signed) John Lewger Surveyor."

On the following day (Nov. 3), a patent was issued to Thomas Gerrard of the above tract, constituting it a Manor by the name of St. Clement's Manor, and giving him, his heirs and assigns authority to hold Courts Baron and Courts Leet upon the said Manor. Thos. Gerrard was commissioned Privy Councilor September 18, 1644, and being several times reappointed, held this position until 1658. He himself was a Roman Catholic, but his wife, Susan, was a Protestant. (See trial of Fitzherbert, in Davis' Day Star). In 1642 he was accused before the council of disturbing the worship of the Protestant inhabitants by taking away the Key of their Chapel and carrying away their books. He was found guilty and sentenced to pay a fine 500 pounds of tobacco. He was still alive in 1666, and had children. The approximate date of his death and the names of his children could be learned from his will which is no doubt on record at Annapolis.

CHRISTOPHER JOHNSTON, JR., M. A., M. D.

RECORDS*

OF THE

COURT LEET AND COURT BARON

OF

ST. CLEMENT'S MANOR,

1659-72.

S^t^ CLEMENTS MANOUR } ss A Court Leet & Court Baron of Thomas Gerard Esq^r^ there held on Thursday the xxvii^th^ of October 1659 by Jn^o^ Ryves gent Steward there.

CONSTABLE: Richard ffoster Sworne.

RESIANTS: Arthur Delahay: Robt^e^: Cooper: Seth Tinsley: Willm: at Robt^e^ Coles: Jn^o^ Gee Jn^o^ Green Benjamin Hamon Jn^o^ Mattant.

FFREEHOLD^RS^ Robt^e^ Sly, gent: Willm: Barton gent: Robt^e^ Cole: Luke: Gardiner: Barthollomew: Phillips Christopher Carnall: Jn^o^ Norman: Jn^o^ Goldsmith.

LEASEHOLDERS Thomas Jackson: Rowland Mace: Jn^o^ Shankes Richard ffoster: Samuell Harris: John Mansell: Edward Turner: ffrancis Sutton with: Jn^o^ Tennison:

JURY AND HOMAGES	Jn^o^ Mansell	Sworne	Jn^o^ Tennison	Sworne
	Bartholl: Phillips		Jn^o^ Goldsmith	
	Jn^o^ Shankes		Jn^o^ Mattant	
	Jn^o^ Gee		Sam: Harris	
	Edward Turner		Jn^o^ Norman	
	Seth Tinsley		xôfer Carnall	

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*My thanks are due to the Maryland Historical Society for permission to print these records. I am also under obligation to Mr. J. W. M. Lee, Librarian of the Society, for kind and efficient aid in deciphering and transcribing them; and to Mr. Geo. Johnston, of Elkton, for calling my attention to them in the first instance.—J. J.

XUM

ORD^r AG^r SAM: HARRIS. Wee the aboue named Jurors doe p^rsent to the Cou^rt that wee finde how about the 3^d day of octob^r 1659 that:

Jmprimis wee p^rsent that about the third of October 1659 that Samuell Harris broke the peace w^th a Stick and that there was bloudshed comitted by Samuell Harris on the body of John Mansell for w^ch hee is fined 40^l tob w^ch is remitted de gratia dni.

Wee doe find that Samuell Harris hath a licence fro' the Gou'no^r & wee conceive him not fitt to bee p^rsented.

ORD^R AG^r ROBT^E COLE. Jtem wee p^rsent Robert Cole for marking one of the Lord of the Manno^rs hoggs for w^ch hee is fined 2000^l Tobco affered to 1000^l.

Jtem wee p^rsent Luke Gardyner for catching two wild hoggs & not restouringe the one halfe to the Lord of the Manno^r w^ch he ought to haue done & for his contempt therein is fined 2000^l Tobco afferred to 200^l of Tobco.

Jtem we p^rsent that Cove Mace about Easter last 1659 came to the house of John Shancks one of the Lord of the Manno^rs tenants being bloudy & said that Robin Coox & his wife were both vpon him & the said John Shancks desired John Gee to goe w^th him to Clove Maces house & when they the s^d John Shancks & John Gee came to the said Cloves his house in the night & knocked att the dore asking how they did what they replyed then the s^d John Shancks & John Gee haue forgotten But the s^d John Shancks asked her to come to her husband & shee replyed that hee had abused Robin & her and the said John Shancks gott her consent to come the next morning & Robin vp to bee freinds w^th her husband & as John Shancks taketh shee fell downe on her knees to bee freinds w^th her s^d husband but hee would not bee freinds w^th her but the next night following they were freinds and Bartholomew Phillipps saith that shee related before that her husband threatened to beate her & said if hee did shee would cutt his throat or poyson him or make him away & said if ever Jo: Hart should come in agayne shee would gett John to bee revenged on him & beate him & hee heared the said William Asiter say th^t shee dranke healths to the Confusion of her husband and said shee would shooe her horse round & hee the said Bartholomew Phillips heard the said Robin say if ever hee left the house Cloves should never goe w^th a whole face. Jt is ordered that this businesse bee transferred to the next County Co^rt according to Law.

Also wee present John Mansell fore entertayning Beniamyn Hamon & Cybill his wife as Jnmates Jt is therefore ordered that the s^d Mansell doe either remove his Jnmate or give security to save the pish [parish] harmlesse by the next Co^rt vnder payne of 1000^l Tobco^r.

Also wee p^rsent Samuell Harris for the same and the same order is on him that is on John Mansell.

Also wee present the Freeholders that have made default in their appearing to forfeit 100[l] Tobcō apeice.

Wee doe further p[r]sent that our Bounds are at this p[r]esent unpfect & very obscure. Wherefore w[th] the consent of the Lord of the Manno[r] Wee doe order that every mans land shall bee bounded marked and layed out betweene this & the next Co[rt] by the p[r]sent Jury w[th] the assistance of the Lord vpon payne of 200[l] Tob'coe for every man that shall make default.

S[r]. Clements Manno[r] } sst At a Court Leet & Co[rt] Baron of Thōms Gerard Esq[r] there held on thursday the 26[th] of Aprill 1660 by John Ryves Steward there

Constable Richard ffoster

Resiants Robert Cowx William Roswell John Gee John Greene Beniamin Hamon

Freeholders: Robert Sly gent Will'm Barton gent Robt Cole Luke Gardiner Christopher Carnall John Norman John Goldsmith.

Leaseholders Thom's Jackson Richard ffoster Samuell Norris John Mansfeild Edward Turner John Shancks Arthur Delahay Clove Mace John Tennison

Jury and Homage	Christopher Carnall	Richard Smith
	John Tennison	John Norman
	John Gee	John Love
	Edward Turner	George Harris
	Beniamyn Hamon	Willm Roswell
	John Greene	Walter Bartlett

Wee the above named Jurors doe p[r]sent to the Co[rt] Luke Gardiner for not doeing his Fealty to the Lord of the Manno[r] Jt is ordered therefore that hee is fined 1000[l] of Tobcōe

Wee p[r]sent fower Jndians viz[t]

for breakinge into the Lord of the Manno[rs] orchard whereof three of them were taken & one ran away & they are fyned 20 arms length of Roneoke.

Wee p[r]sent also two Jndian boyes for being taken w[th] hoggs flesh & running away fro' it & they are fined 40 arms length.

Wee p[r]sent also a Cheptico Jndian for entringe into Edward Turners house & stealinge a shirt fro' thence & hee is fined 20 arms length if he can be knowne

Wee p[r]sent also Wickocomacoe Jndians for takeinge away Christopher Carnalls Cannowe fro' his landing & they are fyned 20 arms length if they bee found

Wee p^{r}sent also the King of Cheptico for killing a wild sow & took her piggs & raysed a stock of them referred to the ho^{ble} the Gouno^{r}.

Wee concieve that Jndians ought not to keepe hoggs for vnder p^{r}tence of them they may destroy all the hoggs belonginge to the Manno^{r} & therefore they ought to bee warned now to destroy them else to bee fyned att the next Court Referred to the ho^{ble} the Gou'no^{r}.

Wee reduce Luke Gardiners fyne to 50^{l} of Tobcõe

We am'ce the fower Jndians to 50 ārms Length of Roneoke & the Jndian that had his gun taken fro' him to bee restored agayne to the owner thereof

The Jndian boyes wee am'ce 40 arms Length of Roneoke as they are above am'ced

Wee am'ce the Cheptico Jndian for stealing Edward Turners shirt to 20 arms length of Roneoke

Wee am'ce also Wickocomacoe Jndians for takeinge away Christopher Carnalls Cannowe to 20 arms Length of Roneoke

Memorand that John Mansfeild sonne of ——— Mansfeild deceased came into this Co——— did atturne tẽnt to the Lord of this Manno^{r}

S^{t} Clements Manno^{R} } A Court Leet & Court Baron of Thomas Gerrard esquire there held on Wednesday the Three & Twentieth of October 1661. by Thomas Mannyng Gent Steward there for this tyme

Bailiff William Barton Gent.

Constable Raphael Haywood Gent

Resiants M^{r} Edmond Hanson George Bankes ffrancis Bellowes Tho: James John Gee Michael Abbott.

ffreeholders Robt Sly Gent Will Barton Gent Luke Gardiner Gent, absent Robt. Cole Gent. Raphael Haywood Gent Bartho Phillips Gent.

Jury	Rich: ffoster		Robt Cole
	Edward Conoray		Bartho Philips
	Edward Runsdall		Edward Conovay
	John Shankes		Edward Ransdell
	John Knape		Gerett Brenton
	Gerett Brenson	Jury and	Clobe Mace
	Clove Mace	Homage	Edmond Hanson
	Robt Cooper		Robt Cooper
	Arthur De La huy		Arthur De La hay
	John Tenison		Wm Rosewell
			Tho: James
			Mich. James.

[Several leaves of the record missing.]

The Court adiorned till two of the Clocke in the afternoone.

John Gee and Rich. foster sworne

The Jury presents that Bartho: Phillips his Landes not marked and Bounded Round

The Jury Lykewise present that the Land belonging to Robt Cooper and Gerett Breden is not marked and bounded Round

The Jury Presents Robt Cooper for Cutting of sedge on S^{t} Clements Jsland and fowling wthout Licence for w^{ch} he is Amerced 10^{l} of Tob. Affered to 10^{l} of Tob.

The Jury Present that Edward Conoray while he was Rich fosters servant did by accident worray or Lugg wth doggs on of the L^{d} of the manno^{rs} Hoggs and at another tyme Edward Conoray going to shoot at ducks the dog did Run at somebodys Hoggs but we know not whose they were and did Lugg them for w^{ch} the Jury doe Amerce Rich: ffoster 50^{l} of Tob Affered to 20^{l} of Tob.

The Jury presents M^{r} Luke Gardiner for not appearing at the Lords Court Leet if he had sufficient warning

S^{T} CLEMENTS MANO^{R} } ss A Court Leet of Thomas Gerard Esq^{r}. there held on Thursday the eighth day of September 1670. by James Gaylard gent. steward there.

ESSOINES: Benjamin Salley gent James Edmonds Rich^{d} Vpgate Cap^{t} Peter Lefebur these are essoined by reason they are sick and cannot attend to do their suit.

FFREEHOLDERS: Justinian Gerard gent, Robt^{e} Sly gent, Thom Notley gent, Capt Luke Gardiner, Benjamin Salley gent, Robert Cole, Barthollomew Phillipps, Jn^{o}. Bullock W^{m} Watts, James Edmonds, Richard Vpgate, Simon Rider, Jn^{o}. Tenison, Rich^{d}. ffoster, Edward Connory, Jno^{o}. Shankes, Jn^{o}. Blackiston,

LEASEHOLDERS: Robte Cowper Capt Peter Lefebur, Henry Shadock, Rich^{d}. Saunderson Jn^{o} Hoskins, Thomas Catline.

RESIANTS: Rich^{d} Marsh, Joseph ffowler Roger Dwiggin Thom Casey, Jn^{o} Saunders, Henry Porter, ffrancis Mondeford W^{m} Simpson W^{m} Georges George B ——— es W^{m} West, W^{m} Cheshire, Jn^{o}. Paler, Robte ffarrer George Keith, Joshua Lee James Green, Thom oakely, Jn^{o}. Turner, Maunce Miles, Jn^{o} Dash W^{m} ffelstead Jn^{o} Chauntry:

JURY	Rich^{d} ffoster	Sworne	Jn^{o}. Blackiston	Sworne
	Jn^{o}. Tenison		Jn^{o}. Stanley	
	Edward Connory		Rich^{d} Saunderson	
	Robte Cowper		Jn^{o}. Bullock	
	Thom Cattline		Thom oakely	
	W^{m} Watts		Jn^{o}. Paler	

BAYLIFF. Jn° Shankes & Sworne.

PRESENTM^TS: Wee p^rsent that Barthollomew Phillips his land was not layd out according to order of Court formerly made wherefore he is fined one hundred pounds of tobacco & caske to the Lord.

We p^rsent John Tenison for suffering his horses to destroy John Blakiston's Corne field.

We p^rsent that Jn° Stanly and Henry Neale killed three marked hogs vpon the Lords Mano^r: w^ch: Capt Gardiner received w^ch: hogs were not of Capt Gardiner's proper marke which is transferred to the next Provinciall Court, there to be determined according to the Law of the Province.

We p^rsent that Edward Connery killed or caused to be killed five wild hogs vpon the Lords Mano^r: this was done by the Lords order and License

We p^rsent that the Lord of the Manno^r: hath not provided a paire of stocks, pillory, and Ducking Stoole Ordered that these Jnstrum^ts of Justice be provided by the next Court by a generall contribution throughout the Mano^r:

We p^rsent That Edward Convery's land is not bounded in

We p^rsent That Thomas Rives hath fallen five or sixe timber trees vpon Richard ffosters land within this Mano^r: referred till view may be had of Rives his Lease

We p^rsent That Robert Cowper's land is not bounded according to a former order for which he is fined 100^l tobco.

We p^rsent That Jn°: Blackiston hunted Jn° Tenisons horses out of the s^d Blackistons corne field fence which fence is proved to be insufficient by the oathes of Jn° Hoskins and Daniell White

We p^rsent Richard ffoster to be Constable for this Mano^r for the yeare ensuing who is sworne accordingly.

We p^rsent that Jn° Bullocks land is not bounded.

We p^rsent M^r Thomas Notly, M^r Justinian Gerard & Capt Luke Gardiner, ffreeholders of this Mano^r: for not a appearing to do their suit at the Lords Court wherefore they are amerced each man 50^l of tobacco to the lord

Jt is ordered That every mans land w^thin this Manno^r whose bounds are vncertein be layd out before the next Co^rt: in p^rsence of the greatest part of this Jury according to their severall Grants vnder penalty of 100^l tobcō for every one that shall make default.

AFFEIR Thomas Catline, Willm Watts } Sworne.

S^T CLEMENTS MANO^R } ss A Court Leet & Court Baron of Thomas Gerard Esq^r there held on Monday the 28^th of October 1672 by James Gaylard gent Steward there,

ESSONIES

FFREEHOLDERS. Justinian Gerard gent Gerard Sly gent Thomas Notley gent Benjamine Sally gent Capt Luke Gardiner Robt^{e} Cole Bartholomew Philips Jn^{o} Bullock. W^{m} Watts James Edmonds Richard Vpgate Simon Rider John Tennison Richard ffoster Edward Connory Jn^{o} Shankes Jn^{o} Blackiston Thomas Jourdaine.

LEASEHOLDERS Capt Peter Lefebur Henry Shaddock Richard Saunderson Jn^{o} Hoskins Thomas Catline

RESIANTS Joseph ffowler Roger Dwiggin Henry Porter W^{m} Simpson William Georges W^{m} Wcst W^{m} Cheshire Jn^{o} Paler Joshua Lee Maurice Miles Jn^{o} Dash W^{m} ffelstead Richard Chillman Robte Samson Henry Awsbury Jn^{o} Hammilton W^{m} Wilkinson Abraham Combes Willm Harrison Jn^{o} Rosewell Vincent Mansfeild Edward Williams Marmaduke Simson Nicholas Smith Humphry Willey James Traske Derby Dollovan Jn^{o} Vpgate Thomas Rives Michaell Williams Jn^{o} Sprigg Charles Rookes ffrancis Knott Richard Hart Willm Polfe Thomas Attaway James Green Jn^{o} Ball Thomas Liddiard Edward Bradbourne Jn^{o} Suttle Jn^{o} Lee Jn^{o} Barefoot ffrancis Wood.

JURY W^{m} Watts	Sworne.	Jn^{o} Bullock	Sworne.
Jn^{o} Tennison		Thom oakly	
Jn^{o} Rosewell		Thom Jorden	
Jn^{o} Stanly		Jn^{o} Hoskins	
Richard Saunderson		Jn^{o} Paler	
ffrancis Knott.		Vincent Mansfeild	

Edward Bradbourne complaineth Agt Jn^{o} Tennison that he unjustly deteineth from him 200^{l} tobcō to the contrary whereof the s^{d} Tennison having in this Coart taken his oath the s^{d} Bradbourne is nonsuited.

We p^{r}sent Jn^{o} Dash for keeping hoggs & cattle upon this Manno^{r} for wh^{ch} he is fined 1000^{l} tobcō.

We p^{r}sent Henry Poulter for keeping of hoggs to the annoyance of the lord of the Mano^{r}. Ordered that he remove them within 12 days under paine of 400^{l} tobcō & caske.

We p^{r}sent the s^{d} Henry Poulter for keeping a Mare & foale upon this Mano^{r} to the annoyance of Jn^{o} Stanly ordered that he remove the s^{d} mare & foale wthin 12 daies vnder paine of 400^{l} of tobcō & caske

We p^{r}sent Josbua Lee for injuring Jn^{o} Hoskins his hoggs by setting his doggs on them & tearing their eares & other hurts for which he is fined 100^{l} of tobcō & caske

We p^{r}sent Humphry Willy for keeping a tipling house & selling his drink without a License at unlawfull rates for w^{ch} he is fined according to act of assembly in that case made & provided

We p^{r}sent Derby Dollovan for committing an Affray and Shedding blood in the house of the s^{d} Humphry Willy Ordered that the s^{d} Dolovan give suretys for the peace.

We p^{r}sent W^{m} Simpson for bringing hoggs into this Mano^{r} for which he is fined 3^{l} of tobcō And ordered that he remove them in 10 days vnder paine of 300^{l} of tobcō & caske

We p^{r}sent Robte Samson & Henry Awsbury for selling drinke at unlawfull rates for which they are each of them fined according to act of Assembly.

We p^{r}sent [Simon Rider for keeping an under tenant contrary to the teno^{r} of his Deed referred till view may be had of the s^{d} Deed.

We p^{r}sent that Raphaell Haywood hath aliened his ffreehold to Simon Rider upon w^{ch} alienacōn there is a reliefe due to the lord

We p^{r}sent an alienacōn from James Edmonds to Thomas Oakely upon w^{ch} there is a Reliefe due to the lord and Oakely hath sworne fealty.

We p^{r}sent that upon the death of M^{r} Robte Sly there is a Releife due to the lord & that. M^{r} Gerard Sly is his next heire who hath sworne fealty accordingly

We p^{r}sent an alienacōn from Thomas Catline to Anne Vpgate

We p^{r}sent that upon the death of Richard Vpgate there is a Releife due to the lord & [Anne] Vpgate his relict is next heire

We p^{r}sent M^{r} Nehemiah Blackiston tenant to the land formerly in possession of Robert Cowper M^{r} Blackiston hath sworne fealty accordingly

We p^{r}sent an alienacōn from W^{m} Barton to Benjamine Sally gent upon w^{ch} there is a Releife due to the lord & M^{r} Sally hath sworne fealty to the lord.

We p^{r}sent an alienacōn from Richard ffoster of p^{t} of his ffreehold to Jn^{o} Blackiston upon which there is a Releife due to the lord

We p^{r}sent a Stray horse taken upon this Mano^{r} and delivered to the lord

We p^{r}sent Robte Cole for not making his appearance at this Court for which he is amerced 10^{l} of tobcō affeired to 6^{l} of tobco.

We p^{r}sent Edward ———nder to be Constable for this yeare ensuing Sworne accordingly.

AFFEIRO^{RS} W^{m} Watts, Jn^{o} Bullock } Sworne.

IV. Saxon Tithingmen in America. Read before the American Antiquarian Society, October 21, 1881. By H. B. Adams. (Now ready. Price 25 cents.)

V. Local Government in Michigan, and the Northwest. Read before the Social Science Association, at Saratoga, September 7, 1882. By E. W. Bemis, A. B. Amherst College, 1880. (Now ready. Price 25 cents.)

VI. Parish Institutions of Maryland. With Illustrations from Parish Records. Published in abridged form in the Magazine of American History, April, 1883. By Edward Ingle, A. B. Johns Hopkins University, 1882. (Now ready. Price 40 cents.)

VII. Old Maryland Manors. Read before the Historical and Political Science Association, March 30, 1883. By John Johnson, A. B. Johns Hopkins University, 1881. (Now ready. Price 80 cents.)

Norman Constables in America. Read before the New England Historic, Genealogical Society, February 1, 1882. By H. B. Adams.

Village Communities in America—Cape Anne and Salem Plantations. Read in part at a Field Meeting of the Essex Institute, August, 31, 1881. By H. B. Adams.

Origin and Development of the Municipal Government of New York City. I. The Dutch Period. II. The English Period. Published in the Magazine of American History, May and September, 1882. By J. F. Jameson, Ph. D. Johns Hopkins University, 1882; Assistant in History, Johns Hopkins University.

Administration of Berlin compared with that of New York. Two articles in *The Nation*, March 23, 30, 1882. To be revised and enlarged for this series. By R. T. Ely, Ph. D. Heidelberg, 1879; Associate Professor of Political Economy, Johns Hopkins University.

French and English Institutions in Wisconsin. By W. F. Allen, A. M. Harvard, 1866; Professor of History and Latin, University of Wisconsin.

Civil Government in Iowa. By Jesse Macy, A. B. Iowa College, 1869; Professor of Historical and Political Science, Iowa College.

Indian, French, and English Towns in Ohio. By John T. Short, Ph. D. Leipzig, 1880; Professor of History, Ohio State University.

Old and New Towns of Maryland. Read before the Maryland Historical Society, December 11, 1882. By Lewis W. Wilhelm, A. B. Johns Hopkins University, 1880; Graduate Scholar in History.

History of Free Schools in Maryland. By Basil Sollers, City College, 1871, and L. W. Wilhelm, A. B. Johns Hopkins University, 1880.

The Institutions of North Carolina. Read before the Hist. and Polit. Science Association. Abstract in Johns Hopkins University Circular, May, 1882. By Henry E. Shepherd, University of Virginia, late Superintendent of Public Instruction, Baltimore, now President of the College of Charleston, S. C.

Local Self Government in South Carolina,—the Parish, the District, and the County. Read before the South Carolina Historical Society, December 15, 1882. With other papers on Free Schools, Markets, Fairs, Militia, &c. Abstracts in Johns Hopkins University Circulars, February, May, 1882. By B. J. Ramage, A. B., Newberry College, 1880. Graduate Scholar in History, J. H. U.